

REMARKS

In response to the Office Action mailed April 14, 2009, Applicants respectfully request reconsideration. Claims 1-14 were previously pending in this application, with claims 1, 8, 10 and 14 being independent claims. By this amendment, claim 1 has been amended. The application as presented is believed to be in condition for allowance.

I. Rejections under 35 U.S.C. §102

The Office Action rejects claims 1, 2, and 4-14 (including independent claims 1, 8, 10, and 14) under U.S.C. §102(b) as allegedly being anticipated by Japanese Patent Publication No. 2002-289271 ("Furumiya"), and rejects claims 1-4 (including independent claim 1) under U.S.C. §102(b) as allegedly being anticipated by Japanese Patent Publication No. 2000-306605 ("Yonehara"). Applicants respectfully traverse each of these rejections.

A. Rejections Over Furumiya

The publication date of Furumiya is October 4, 2002, which is after the filing date of April 11, 2002 of the Japanese Patent Application JP2002-109427 to which the instant application claims priority. Applicant submits herewith a certified English translation of the foreign priority document JP 2002-109427 to perfect the foreign priority claim in accordance with 35 U.S.C. §119(b)(3). In view of the perfected priority claim, Applicants submit that the rejections over Furumiya are moot and it is respectfully requested that the rejections be withdrawn.

B. Rejections Over Yonehara

Claim 1 as amended recites, "A method of forming an electrolyte comprising an electrolyte composition and a matrix polymer, the method comprising: forming the matrix polymer by polymerization of a first compound having at least two isocyanate groups and a second compound having at least two nucleophilic groups containing active hydrogen, said polymerization being performed after a precursor for the matrix polymer is brought into contact with a surface on which the electrolyte is to be formed; **wherein the electrolyte layer is formed between two electrodes** (emphasis added)."

As stated in Applicants' response dated January 26, 2009, with respect to claims 8 and 14, Yonehara discloses a conductive polymer which contains inorganic semiconductors to which organic coloring matter has been introduced (Yonehara, ¶0108). The conductive polymer of Yonehara can be used as a positive active material or a forward and/or a negative-electrode active material (Yonehara, ¶0105- ¶0108). Since the conductive polymer of Yonehara is used as an electrode (positive or negative) in a wet solar battery, it is impossible that the conductive polymer (being one of the electrodes) is formed **between** two electrodes, as recited in claim 1.

For at least this reason, claim 1 patentably distinguishes over Yonehara, and it is respectfully requested that the rejection of claim 1 be withdrawn. Claims 2-7 depend from claim 1 and each of these dependent claims patentably distinguishes over Yonehara for at least the same reasons.

III. General Comments on Dependent Claims

Since each of the dependent claims depends from an independent claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the bases for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future if deemed necessary.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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